United Nations A/C.3/63/L.13

General Assembly

Distr.: Limited
15 October 2008

Original: English

Sixty-third session
Third Committee
Agenda item 56 (a)
Advancement of women

Philippines: draft resolution

Trafficking in women and girls

The General Assembly,

Recalling all international conventions that deal specifically with the problem of trafficking in women and girls, such as the Convention on the Elimination of All Forms of Discrimination against Women[1] and the Optional Protocol thereto,[2] the Convention on the Rights of the Child[3] and the Optional Protocol thereto on the sale of children, child prostitution and child pornography,[4] the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,[5] the United Nations Convention against Transnational Organized Crime[6] and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime[7] and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[8] as well as previous resolutions of the General Assembly, the Economic and Social Council and its functional commissions on the issue,

Reaffirming the provisions pertaining to trafficking in women and girls contained in the outcome documents of relevant international conferences and summits, in particular the strategic objective on the issue of trafficking contained in

[1] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[2] Ibid., vol. 2131, No. 20378.
[3] Ibid., vol. 1577, No. 27531.
[4] Ibid., vol. 2171, No. 27531.
[5] Ibid., vol, 96, No. 1342.
[6] Resolution 55/25, annex I.
[7] Ibid., annex II.
[8] Ibid., annex III.

08-55184 (E) 161008

the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women,[9]

Reaffirming also the commitment made by world leaders at the Millennium Summit and the 2005 World Summit to devise, enforce and strengthen effective measures to combat and eliminate all forms of trafficking in persons to counter the demand for trafficked victims and to protect the victims,

Recalling the reports of the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on trafficking in persons, especially women and children, and the Special Rapporteur on violence against women, its causes and consequences, as well as the information that deals with trafficking in women and girls contained in the report of the Secretary-General on the in-depth study on all forms of violence against women,[10]

Taking note of the Vienna Forum against Trafficking in Persons in the framework of the United Nations Global Initiative to Fight Human Trafficking, held from 13 to 15 February 2008, and of the thematic debate on the issue of trafficking in persons in the framework of the General Assembly on 3 June 2008,

Welcomes the renewal of the mandate of the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children, and her task, inter alia, of identifying gender- and age-specific vulnerabilities in relation to the issue of trafficking in persons,

Acknowledging the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court,[11] which entered into force on 1 July 2002,

Bearing in mind that all States have an obligation to exercise due diligence to prevent, investigate and punish perpetrators of trafficking in persons, to rescue victims as well as provide for their protection and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of the victims,

Seriously concerned that an increasing number of women and girls from developing countries and from some countries with economies in transition are being trafficked to developed countries, as well as within and between regions and States, and that men and boys are also victims of trafficking, including for sexual exploitation,

Recognizing that many of the existing efforts against trafficking in persons lack the gender- and age-sensitivity needed to address effectively the situation of women and girls who are particularly vulnerable to trafficking for the purposes of sexual exploitation, as well as for forced labour or services,

Recognizing also the need to address the impact of globalization on the particular problem of trafficking in women and children, in particular girls,

---

[9] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[10] A/61/122 and Add.1 and Add.1/Corr.1.

[11] United Nations, *Treaty Series*, vol. 2187, No. 38544.

Recognizing further the challenges to combating trafficking in women and girls owing to the lack of adequate legislation and implementation of existing legislation, the lack of availability of reliable sex-disaggregated data and statistics, and the lack of resources,

Concerned about the use of new information technologies, including the Internet, for purposes of exploitation of the prostitution of others, for trafficking in women as brides, for sex tourism exploiting women and children and for child pornography, paedophilia and any other forms of sexual exploitation of children,

Concerned also about the increasing activities of transnational criminal organizations and others that profit from international trafficking in persons, especially women and children, without regard to dangerous and inhuman conditions and in flagrant violation of domestic laws and international standards,

Recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination themselves may fuel trafficking in persons,

Gravely concerned that some of the demand for prostitution and forced labour is met by trafficking in persons, exploiting the vulnerability of women and girls in particular,

Acknowledging that women and girl victims of trafficking, on account of their gender, are further disadvantaged and marginalized by a general lack of information or awareness and recognition of their human rights and by the stigmatization often associated with trafficking, as well as by the obstacles they meet in gaining access to information and recourse mechanisms in cases of violation of their rights, and that special measures are required for their protection and to increase their awareness,

Recognizing the importance of bilateral, subregional, regional and international cooperation mechanisms and initiatives, including information exchanges on best practices, of Governments and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children,

Recognizing also that global efforts, including international cooperation and technical assistance programmes, to eradicate trafficking in persons, especially women and children, demand the strong political commitment, shared responsibility and active cooperation of all Governments of countries of origin, transit and destination,

1. *Welcomes* the efforts of Governments, United Nations bodies and agencies and intergovernmental and non-governmental organizations to address the particular problem of trafficking in women and girls, and encourages them to enhance their efforts and cooperation, including by sharing their knowledge, technical expertise and best practices as widely as possible;

2. *Calls upon* Governments to eliminate the demand that fosters the trafficking of women and girls for sexual exploitation, forced labour or other services, and all other forms of exploitation, including by, inter alia, publicizing the

laws, regulations and penalties relating to trafficking as a serious crime, and enhancing the accountability of potential buyers and users of the services of trafficked women and girls;

3. *Also calls upon* Governments to take appropriate measures to address the factors that increase vulnerability to being trafficked, including poverty and gender inequality, as well as other factors that encourage the particular problem of trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriage and forced labour, in order to prevent and eliminate such trafficking, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;

4. *Urges* Governments to develop, enforce and strengthen effective gender- and age-sensitive measures to prevent, combat and eliminate all forms of trafficking in women and girls, including for sexual and economic exploitation, to rehabilitate and reintegrate victims of trafficking as part of a comprehensive anti-trafficking strategy that integrates a human rights perspective, and to draw up, as appropriate, national action plans in this regard;

5. *Also urges* Governments, in cooperation with intergovernmental and non-governmental organizations, to support and allocate resources to strengthen preventive action, in particular education for women and men, as well as for boys and girls, on gender equality, self-respect and mutual respect, and campaigns, carried out in collaboration with civil society, to increase public awareness of the issue at the national and grass-roots levels;

6. *Further urges* Governments to develop educational and training programmes and policies and consider enacting legislation and other appropriate measures aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children;

7. *Also urges* Governments to consider signing and ratifying and States parties to implement relevant United Nations legal instruments, such as the United Nations Convention against Transnational Organized Crime[6] and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[7] the Convention on the Elimination of All Forms of Discrimination against Women,[1] the Convention on the Rights of the Child,[3] the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women[2] and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,[4] as well as the Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29), the Convention concerning Discrimination in respect of Employment and Occupation, 1958 (Convention No. 111) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), of the International Labour Organization;

8. *Encourages* Member States to enhance cooperation, including by entering into bilateral, subregional, regional and international agreements, as well as

to undertake initiatives, including regional initiatives,[12] to, inter alia, enhance information sharing, data collection and other technical capacities, and combating corruption and laundering of proceeds derived from trafficking, including for purposes of commercialized sexual exploitation, and to ensure that such agreements and initiatives are particularly sensitive to the problem of trafficking as it affects women and girls;

9. *Calls upon* all Governments to criminalize all forms of trafficking in persons, recognizing its increasing occurrence for purposes of sexual exploitation and sex tourism, by penalizing the offenders and intermediaries involved, whether local or foreign, through the competent national authorities, either in the country of origin of the offender or in the country in which the abuse occurs, in accordance with due process of law, as well as to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody;

10. *Urges* Governments to take all appropriate measures to ensure that victims of trafficking are not penalized for being trafficked or for their illegal entry or residence resulting from being trafficked, and that they do not suffer from revictimization brought about by arbitrary or long detention, forced expulsion, a ban on return to or work in the country where the abuse occurred, or other aggravating actions taken by government authorities;

11. *Also invites* Governments to consider setting up or strengthening a national coordinating mechanism, for example, a national rapporteur or an inter-agency body, with the participation of civil society, including non-governmental organizations, to encourage the exchange of information and to report on data, root causes, factors and trends in violence against women, in particular trafficking;

12. *Calls upon* concerned Governments to allocate resources, as appropriate, to provide comprehensive programmes for the physical, psychological and social recovery of victims of trafficking, including through job training, legal assistance, including in a language that they can understand, and health care, including for HIV/AIDS, and by taking measures to cooperate with intergovernmental and non-governmental organizations to provide for the social, medical and psychological care of the victims;

13. *Encourages* Governments, in cooperation with intergovernmental and non-governmental organizations, to undertake or strengthen campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, as well as information on the risks of irregular migration and the ways and means used by

[12] Such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the Coordinated Mekong Ministerial Initiative against Trafficking, the Action Plan for the Asia-Pacific region of the Asian Regional Initiative against Trafficking in Persons, Especially Women and Children (see A/C.3/55/3, annex), the initiatives of the European Union on a comprehensive European policy and programmes on trafficking in human beings, as expressed most recently in the European Union plan on best practices, standards and procedures for combating and preventing trafficking in human beings, adopted in December 2005, the activities of the Council of Europe and the Organization for Security and Cooperation in Europe, the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, the Organization of American States Meeting of National Authorities on Trafficking in Persons, and the activities of the International Labour Organization and the International Organization for Migration in this field.

traffickers so as to enable women to make informed decisions and to prevent them from becoming victims of trafficking;

14. *Also encourages* Governments to intensify collaboration with non-governmental organizations to develop and implement gender- and age-sensitive programmes for effective counselling, training and reintegration into society of victims of trafficking and programmes that provide shelter and helplines to victims or potential victims;

15. *Urges* Governments to provide or strengthen training for law enforcement, judicial, immigration and other relevant officials in the prevention and combating of trafficking in persons, including the sexual exploitation of women and girls, and in this regard calls upon Governments to ensure that the treatment of victims of trafficking, especially by law enforcers, immigration officers, consular officials, social workers and other first-response officials, is conducted with full respect for the human rights of those victims, and with gender- and age-sensitivity, and observes the principles of non-discrimination, including the prohibition of racial discrimination;

16. *Invites* Governments to take steps to ensure that criminal justice procedures and witness protection programmes are sensitive to the particular situation of trafficked women and girls and that they are supported and assisted, as appropriate, in making complaints to the police or other authorities, without fear, and being available when required by the criminal justice system, and to ensure that during this time they have access to gender- and age-sensitive protection and social, medical, financial and legal assistance, as appropriate, including the possibility of obtaining compensation for damages suffered;

17. *Also invites* Governments to encourage media providers, including Internet service providers, to adopt or strengthen self-regulatory measures to promote the responsible use of media, particularly the Internet, with a view to eliminating the exploitation of women and children, in particular girls, which could foster trafficking;

18. *Invites* the business sector, in particular the tourism and telecommunications industries, including mass media organizations, to cooperate with Governments in eliminating trafficking in women and children, in particular girls, including through the dissemination by the media of information regarding the dangers of trafficking, the rights of trafficked persons and the services available to victims of trafficking;

19. *Stresses* the need for the systematic collection of sex- and age-disaggregated data and comprehensive studies at both the national and the international levels and the development of common methodologies and internationally defined indicators to make it possible to develop relevant and comparable figures, and encourages Governments to enhance information-sharing and data-collection capacity as a way of promoting cooperation to combat the trafficking problem;

20. *Invites* Governments, United Nations bodies, agencies and special mechanisms, intergovernmental and non-governmental organizations and the private sector to undertake collaborative and joint research and studies on trafficking in women and girls that can serve as a basis for policy formulation or change;

21. *Also invites* Governments, with the support of the United Nations, when necessary, and other intergovernmental organizations, taking into account best practices, to formulate training manuals and other informational materials and provide training for law enforcement, judicial and other relevant officers, and medical and support personnel, with a view to sensitizing them to the special needs of women and girl victims;

22. *Encourages* Governments, relevant intergovernmental bodies and international organizations to ensure that military, peacekeeping and humanitarian personnel deployed in conflict, post-conflict and other emergency situations are provided training on conduct that does not promote, facilitate or exploit trafficking in women and girls, including for sexual exploitation, and to raise the awareness of such personnel of the potential risks to victims of conflict and other emergency situations, including natural disasters, of being trafficked;

23. *Invites* States parties to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Covenants on Human Rights[13] to include information and statistics on trafficking in women and girls as part of their national reports to their respective committees and to work towards developing a common methodology and statistics to obtain comparable data;

24. *Requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a report that identifies successful interventions and strategies, as well as the gaps, in addressing the gender dimensions of the problem of trafficking in persons, and provides recommendations on the strengthening of gender- and age-sensitive approaches in the various aspects of addressing trafficking in persons.

---

[13] Resolution 2200 A (XXI), annex.